## REMARKS/ARGUMENTS

1. In the above referenced Office Action:

a. Claims 1-27, 37 and 42-63 have been rejected under 35 USC § 102 (e) as being anticipated by Rakib (U.S. Pub. No. 2004/0172658).

b. Claims 28-36 have been rejected under 35 USC § 103 (a) as being unpatentable over Rakib (U.S. Pub. No. 2004/0172658) in view of Son (U.S. Pub. No. 2002/0047899).

The rejections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-37 and 42-63.

2. Claims 1-27, 37 and 42-63 have been rejected under 35 USC § 102 (e) as being anticipated by Rakib (U.S. Pub. No. 2004/0172658). The applicant respectfully disagrees with this rejection and the reasoning thereof.

Claim 1 has been amended to include the following:

> receiving, from a multimedia source, a set of selected channels, the set of selected channels including a plurality of digital channels from a single source, wherein the plurality of digital channels have a common digital transmission format with a common modulation format;
>
> contemporaneously tuning and demodulating each of the set of selected channels via a plurality of digital tuners to generate encoded channel data for each of the plurality of digital channels, wherein the plurality of digital tuners each operate in accordance with the common digital transmission format;
>
> interpreting the encoded channel data to identify a channel of interest of the set of selected channels based on a specific channel selection request, wherein each channel of the set of selected channels has a data type;
>
> processing the encoded channel data, which includes data of the channel of interest based on the data type to produce generic data for each channel of the set of selected channels;
>
> combining, by a channel mixer, the generic data of each channel of the set of selected channels into a stream of data;

From these elements we know that:

- a set of selected channels include a plurality of digital channels from a single source;

- the plurality of digital channels have a common digital transmission format with a common modulation format
- The set of selected channels from the single source are contemporaneously tuned and demodulated via a plurality of digital tuners to generate encoded channel data for each of the plurality of digital channels from the single source;
- the plurality of digital tuners each operate in accordance with the common digital transmission format with the common modulation format

***Rakib does not contemporaneously tune a plurality of digital channels from a single source that are in a common digital transmission format with a common modulation format.***

In setting forth the rejection of the prior claims, the Examiner looked to a satellite VOD module 392 and satellite DirectTV module 398 as the plurality of digital tuners. In response to the prior arguments, the Examiner has read the term digital transmission format to apparently encompass multiple different modulation formats. Claim 1 has been amended to positively recite that the digital tuners demodulate and further that the common digital transmission format has a common modulation format.

In contrast to the amended claims, Rakib's VOD module 392 and satellite DirectTV module 398 operate to receive channels in different digital transmission formats as claimed. As described in paragraph [0269] of Rakib, the VOD module 392 requires a QPSK demodulator 220, while the DirectTV module 398 requires QAM demodulator 346. The VOD content and DirectTV content are in different digital transmission formats, because different modulation formats are used. In accordance with claim 1, the plurality of tuners can be interchangeable. If two client devices request two different channels from the same source and common digital transmission format (e.g. channels 100 and 102 of satellite programming), these requests can be contemporaneously tuned and demodulated. In Rakib's system, contemporaneous requests can only be serviced via tuners that operate on channels in different digital transmission formats, that use different modulation.

For these reasons, claim 1 and 2-15 that depend therefrom are patentably distinct.

As discussed above, claims 16, 37 and 52 were also rejected as anticipated by Rakib. Claims 16, 37 and 52 have been amended in a similar fashion to claim 1. For similar reasons as set forth in the discussion of claim 1, claims 16, 37 and 52 and claims 17-27, 42-51 and 53-62 that depend therefrom, are patentably distinct from the prior art.

3. Claims 28-36 have been rejected under 35 USC § 103 (a) as being unpatentable over Rakib (U.S. Pub. No. 2004/0172658) in view of Son (U.S. Pub. No. 2002/0047899). Claim 28 has also been amended in a similarfashion as claim 1. For similar reasons as discussed in conjunction with claims 1, claim 28 and claims 29-36 that depend therefrom are believed to be patentably distinct.

## CONCLUSION

For the foregoing reasons, the applicant believes that claims 1-37 and 42-63 are in condition for allowance and respectfully request that they be passed to allowance.

The Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor application in relation to the instant application. The Examiner is advised that any such previous disclaimer and the prior art that it was made to avoid, may need to be revisited. Further, the claims in the instant application may be broader than those of a parent application. Moreover, the Examiner should also be advised that any disclaimer made in the instant application should not be read into or against the parent application.

A request for continuing examination is concurrently filed herein along with a credit card payment of the associated fee. No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

**RESPECTFULLY SUBMITTED,**

By: /Bruce E. Stuckman, Ph.D., Reg. No. 36,693/
Bruce E. Stuckman, Ph.D.
Garlick Harrison & Markison
P. O. Box 160727
Austin, TX 78716-0727
Phone: (512) 241-8444
Fax: (512) 241-8445
email: bstuckman@texaspatents.com